

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JAMES KNIGHT,)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-1224-HE
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of the Social,)	
Security Administration,)	
)	
Defendant.)	

ORDER

Plaintiff James Knight filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Gary M. Purcell, who recommends that the Commissioner’s decision be affirmed.


Plaintiff filed his application for disability benefits in July 2010. After his application was denied initially and on reconsideration, plaintiff requested an administrative hearing. A hearing was scheduled for February 19, 2013, and the Social Security Administration’s Office of Disability Adjudication and Review sent plaintiff and his attorney two notices advising plaintiff of the hearing date, time and location. Plaintiff did not appear at the February 2013 hearing. However, his attorney did appear and stated on the record that his last contact with his client had been in June, 2011. The Administrative Law Judge (“ALJ”) then proceeded with the hearing and issued a decision on April 8, 2013, determining that, while plaintiff was not capable of performing his past relevant work, he was not disabled

because there were jobs in the economy that he could perform despite his impairments. The Appeals Council denied plaintiff's counsel's request for review, so the ALJ's decision became the final decision of the Commissioner.

Plaintiff then filed this action, but failed to object to the Report and Recommendation. He thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court **ADOPTS** Magistrate Judge Purcell's Report and Recommendation. The Commissioner's decision is **AFFIRMED**.

IT IS SO ORDERED.

Dated this 6th day of November, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE